

REMARKS

By this Amendment, claims 24 and 35 are amended to merely clarify the recited subject matter. Claims 24, 28-31, 35 and 37 are pending.

Claims 24-26 , 28-31, 35 and 37-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanyan et al. (US 6,524,242; hereafter “Subramanyan”) in view of Brehm (US 5,433,214) and/or Boyer (US 4,168,206). Applicants traverse the rejection because the cited prior art fails to disclose, teach or suggest the claimed methods comprising “comparing the visually discernable change of the activated flowable indicator to a reference to characterize skin condition, the reference relating a plurality of possible visual changes of color or color intensity of the indicator to the visual change of the indicator to characterize a skin condition of human skin due to the amount of the oil in contact with the indicator,” “wherein the flowable indicator comprises at least one dye soluble with oil found on human skin to effect the visual change of the indicator.”

Subramanyan merely teaches a non-contact method for measuring quantity of sebum or oil on skin by applying lipophilic fluorescent dye to a subject’s skin where sebum oil is to be measured, illuminating the spot at an excitation wavelength of the fluorescent dye, and collecting fluorescent emission using, for example, a camera and suitable image acquisition system.

Brehm teaches an indicator for determining and indicating the fat and moisture content of human skin; the indicator includes a blue colored substrate 1 and a white-tinted, fat-sensitive and moisture-sensitive substance 2 that is applied to the substrate. After being applied to the substrate 1 on the skin, the substance 2 changes its physical refractive index when brought into contact with the skin as a function of the skin’s fat and moisture content. As a result, the change in refractive index changes the substance 2 from opacity to translucency thereby permitting the blue substrate 1 underneath the substance 2 to at least partially show through and be visible.

Boyer merely teaches that one may periodically check a chemical reaction for associated color checks. See Boyer’s reference to Huppert et al., "Rapid Methods For Identification Of Yeasts", Journal Of Clinical Microbiology, Vol. 2, No. 1, July, 1975, pp. 21-34, disclosing a method for identifying yeasts in which samples are periodically checking the system for color changes.

However, none of the prior art references, analyzed individually or in combination, teach or suggest comparing a visually discernable change of an activated flowable indicator to a reference to characterize skin condition, (1) wherein the reference relates a plurality of possible visual changes of color or color intensity of the indicator to the visual change of the indicator to characterize a skin condition of human skin due to the amount of the oil in contact with the indicator, and (2) wherein the flowable indicator comprises at least one dye soluble with oil found on human skin to effect the visual change of the indicator.

Accordingly, the prior art rejections of all pending claims must be withdrawn.

In view of the above, it is submitted that all of the claims are in condition for allowance and such action is respectfully requested. If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned at (202) 371-6371 so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. **02-1010** (47353-46503).

Respectfully submitted,
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